

### REMARKS

This application has been carefully reviewed in light of the Office Action dated July 17, 2008. Claims 1 to 3, 26 and 27 remain pending in the application, of which Claims 1, 26 and 27 are independent. Reconsideration and further examination are respectfully requested.

Claims 1 and 3 were rejected under 35 U.S.C. § 103(a) over U.S. Publication No. 2005/0015815 (Shoff) in view of U.S. Patent No. 7,051,351 (Goldman), U.S. Patent No. 7,000,242 (Haber) and U.S. Patent No. 5,774,170 (Hite), Claim 2 was rejected under § 103(a) over Shoff in view of Goldman, Haber and Hite, and further in view of WO 00/011154 (Rajan), and Claims 26 and 27 were rejected under § 103(a) over Shoff in view of Haber and Hite. Reconsideration and withdrawal of the rejections are respectfully requested.

The invention concerns a commercial server that provides commercial content to be combined with a second program, which is to be displayed with a first program broadcast by a digital broadcast station so that an audience side displays the first program, to a content management server. The content management server combines the commercial content with the second program and transmits the combined content to a terminal on the audience side requesting the program. In the commercial server of the invention, commercial content to be combined with the second program is stored in a database. The commercial server also has a condition holding database that holds sponsor information indicating whether or not a sponsor of a first, digital broadcast, program allows provision of a commercial of another business type. When the commercial server receives,

from the content management server, a request for commercial content and sponsor information specifying the sponsor of the first program, the commercial server searches for commercial contents, including content of another business type and excluding commercial content of the same business type as the sponsor if the sponsor allows the provision of content of another business type, and notifies the resulting commercial content to the content management server.

Referring specifically to the claims, Claim 26 is directed to a commercial server which can communicate with a plurality of content management servers, each of which has storage means for storing second programs to be displayed with a first program which is broadcast by a digital broadcast station so that an audience side displays the first program, and provides a second program combined with commercial content to a terminal side of the audience side, and provides the commercial content to a content management server in response to a request from the content management server, the commercial server comprising a commercial content database that holds commercial contents to be combined with the second program which is to be displayed with the first program, a condition information database that holds information indicating whether or not a sponsor of the first program allows to provide a commercial of another business type, receiving means for receiving, from one of the plurality of content management servers, the request of commercial content and information specifying the sponsor of the first program, and searching means for, from the commercial database, searching for a corresponding commercial content among commercial contents including commercial content of another business type and excluding commercial content of the same business type of the sponsor

of the first program if the sponsor of the first program allows to provide a commercial content of another business type by referring to the condition information database, and notifying the commercial content to the one of the plurality of the content management servers.

Claim 27 is a method claim that substantially corresponds to Claim 26, while Claim 1 is a system claim that includes the commercial server of Claim 26.

The applied art, alone or in any permissible combination, is not seen to disclose or to suggest the features of Claims 1, 26 and 27, and in particular, is not seen to disclose or to suggest a commercial content server which i) holds commercial content to be combined with a second program which is to be displayed with a first program, ii) holds, in a condition information database, information indicating whether or not a sponsor of the first program allows to provide a commercial of another business type, and iii) after receiving a request for commercial content from a content management server and sponsor information specifying the sponsor of the first program, searching, from the commercial database, for a corresponding commercial content among commercial contents including commercial content of another business type and excluding commercial content of the same business type of the sponsor of the first program if the sponsor of the first program allows to provide a commercial content of another business type by referring to the condition information database, and notifying the commercial content to the content management server.

According to the Office Action, Shoff allegedly discloses the commercial server, referring to Figures 3, 5 and 8 of Shoff. However, Figures 3, 5 and 8 merely

represent information of Supplemental Content rather than the sponsor information broadcast by the broadcast station. In paragraph [0036] of Shoff, there is a description: "Examples of supplemental content include trivia questions or games related to program, advertisements, merchandise or other ...." This description, however, does not represent the sponsor information specifying the sponsor of a second program broadcast together with the first program. Regarding the terminal on the audience side, Shoff also fails to teach or suggest that the terminal provided on audience side notifies the content management server of the sponsor information received from the digital broadcast station. Regarding to the content management server, Shoff also fails to teach or suggest that the content management server, when the request including the sponsor information from the terminal is received, sends the received sponsor information to the commercial server. Regarding to the commercial server Shoff also fails to teach or suggest that the commercial server comprises a commercial content database that holds commercial contents to be combined with the second program which is to be displayed with the first program, and receives, from the content management server, the request of commercial content and the sponsor information specifying the sponsor of the first program.

Goldman is not seen to make up for the deficiencies of Shoff. Rather, Goldman is merely seen to teach inserting an advertisement according to a displayed document, where the advertising is selected, at least in part, based on a television program being viewed. Thus, while the advertising content may relate to the program, Applicant fails to see anything in Goldman which teaches a commercial content server which i) holds commercial content to be combined with a second program which is to be displayed with a

first program, ii) holds, in a condition information database, information indicating whether or not a sponsor of the first program allows to provide a commercial of another business type, and iii) after receiving a request for commercial content from a content management server and sponsor information specifying the sponsor of the first program, searching, from the commercial database, for a corresponding commercial content among commercial contents including commercial content of another business type and excluding commercial content of the same business type of the sponsor of the first program if the sponsor of the first program allows to provide a commercial content of another business type by referring to the condition information database, and notifying the commercial content to the content management server.

Haber, Hite and Rajan have been studied but are not seen to disclose or to suggest anything that, when combined with Shoff and/or Goldman, would have resulted in the features of a commercial content server which i) holds commercial content to be combined with a second program which is to be displayed with a first program, ii) holds, in a condition information database, information indicating whether or not a sponsor of the first program allows to provide a commercial of another business type, and iii) after receiving a request for commercial content from a content management server and sponsor information specifying the sponsor of the first program, searching, from the commercial database, for a corresponding commercial content among commercial contents including commercial content of another business type and excluding commercial content of the same business type of the sponsor of the first program if the sponsor of the first program allows to provide a commercial content of another business type by referring to the

condition information database, and notifying the commercial content to the content management server.

In view of the foregoing amendments and remarks, Claims 1 to 3, 26 and 27 are believed to be allowable.

No other matters having been raised, the entire application is believed to be in condition for allowance and such action is respectfully requested at the Examiner's earliest convenience.

Applicant's undersigned attorney may be reached in our Costa Mesa, California office at (714) 540-8700. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

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